

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:)	Docket HWCA 01/02-3009
)	
Sina Environmental, Inc.)	ENFORCEMENT ORDER
11875 Dublin Boulevard,)	
A 100)	Health and Safety Code
Dublin, California 94568)	Section 25187
EPA ID No. CAR000002774)	
)	
Respondent.)	
_____)	

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Sina Environmental, Inc. (Respondent).

1.2. Site. Respondent transported hazardous waste and held hazardous waste at a transfer facility at 10756 Calabash Avenue, Fontana, California (Calabash Site).

1.3. Regulatory Status. The Department authorized Respondent to transport hazardous waste by Hazardous Waste Transportation Registration number 3459 issued on June 30, 1995, and reissued most recently on August 23, 2001.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of

the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.5. Exhibits. All exhibits attached to this Order are incorporated herein by this reference.

DETERMINATION OF VIOLATIONS

2. The Department has determined:

2.1. The Respondent violated Health and Safety Code section 25201 in that Respondent stored in excess of ten days, without a permit or other authorization from the Department, at least six trailers (approximately 80 drums per trailer) of hazardous waste at Respondent's yard at 10756 Calabash Avenue, Fontana, California. Respondent stored at least one of these trailers from on or about August 9, 2000 until on or about October 14, 2000. This same trailer was returned to the Calabash Site from on or about October 24, 2000 until January 23, 2001.

2.2. The Respondent violated Health and Safety Code section 25163 subdivision (a) in that from on or about May 1, 2001, through September 27, 2001, Respondent allowed another transporter, which did not hold a valid registration, to transport hazardous waste using Respondent's hazardous waste transporter registration.

2.2.1 At least 122 manifests list the Respondent, a registered hazardous waste transporter, as the transporter of the waste, whereas the hazardous waste was actually transported by Badjr Transportation, Inc., a separate business entity.

2.3 Respondent violated Health and Safety Code section 25189, subdivision (a), in that Respondent intentionally or negligently made false statements on Uniform Hazardous Waste Manifests (manifests) filed, maintained or used for purposes of compliance with the HWCL, in that:

2.3.1. On or about January 19, 2001, Respondent replaced the original manifests under which shipments were made with at least eight manifests on which the shipping dates were altered to make it appear that the wastes had been in transit, and therefore in storage, for a shorter time. Respondent made the following substitutions:

Original manifest number	Substitute manifest number
INA 1423944	99767042
INA 1423942	99767199
INA 1423946	99767193
INA 1423945	99767198
99671435	99767195
99671517	99767192 and 99767186

2.3.2. During 2000, on at least seven manifests for hazardous wastes shipped by Respondent, Respondent listed the name "Hazardous Technologies" along with Hazardous Technologies' U.S. Environmental Protection Agency I.D. Number as the transporter of the wastes, rather than Respondent's name and EPA I.D. number.

2.3.3. During 2000, on at least four occasions, Respondent made false statements on hazardous waste manifests indicating that the waste had been "Returned to Generator" when in fact, the waste remained at the transporter's yard at 10756 Calabash Avenue, Fontana, California.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination Of Violations, IT IS HEREBY ORDERED THAT:

3.1.1. Immediately upon the effective date of this Order, Respondent shall completely and accurately complete the information required on manifests.

3.1.2. Immediately upon the effective date of this Order, Respondent shall not permit other persons to transport hazardous waste using Respondent's hazardous waste registration.

3.1.3. Immediately upon the effective date of this Order, Respondent shall not store hazardous waste without authorization from the Department.

3.2. Submittals. All submittals from a Respondent pursuant to this Order shall be sent simultaneously to:

Phillip Blum, P.E., Acting Chief
Task Force Support and Special Investigations Branch
1011 North Grandview Avenue
Glendale, California 91201

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by the Branch Chief,

Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may:

a. Modify the document as deemed necessary and approve the document as modified, or

b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

3.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or

welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.7. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.8. Site Access: Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem

necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.9. Data and Document Availability. Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

3.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or

property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by the Department.

3.12. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.13. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred

by the Department or other government agencies as a result of such failure, as provided by section 25188 and other applicable provisions of law.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$227,800. Payment is due within 30 days from the effective date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 23rd floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Phillip Blum, P.E., Acting Chief
Task Force Support and Special Investigations Branch
1011 North Grandview Avenue
Glendale, California 91201

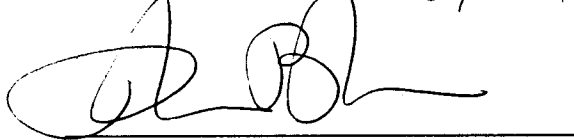
RIGHT TO A HEARING

6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance 8/20/02.

A handwritten signature in black ink, appearing to read 'P. Blum', is written over a horizontal line.

Phillip Blum, P.E., Acting Chief
Task Force Support and Special Investigations Branch
1011 North Grandview Avenue
Glendale, California 91201